

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Ronald Douglas Michaux,)
)
Plaintiff,) Civil Action No. 5:22-2713-RMG
)
vs.)
)
Brian Sterling, *et al.*,)
)
Defendants.)
)
)

ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that this action be dismissed with prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. (Dkt. No. 45). This action was removed from the Greenville County Court of Common Pleas by Defendants. Subsequently, Defendants filed a motion of summary judgment, and the Magistrate Judge filed an order explaining to Plaintiff, who has been acting *pro se*, of the need to timely respond to the motion. (Dkt. No. 31). Plaintiff filed no response to the Defendants’ motion for summary judgment. The R & R recommending dismissal for failure to prosecute thereafter followed. The Magistrate Judge gave Plaintiff notice that a failure to file objections to the R & R within 14 days would result in limited review by the District Court and waiver of the right to appeal the District Court’s judgment. (*Id.* at 3). Plaintiff has filed no objections to the R & R.

The Court has reviewed the R & R and other orders of the Magistrate Judge, the full record in this matter, and the relevant legal authorities. The Court finds that the Magistrate Judge ably summarized the factual and legal issues in this matter and correctly concluded that

this action should be dismissed with prejudice for failure to prosecute. Therefore, the Court **ADOPTS** the R & R (Dkt. No. 45) as the order of the Court and **DISMISSES** this action with prejudice.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

May 1, 2023
Charleston, South Carolina